

I certify that the attached is a true and  
correct copy of HB 2029  
was filed of record on MAR 10 1989  
and referred to the committee on  
State Affairs  
Betty Murray  
Chief Clerk of the House

1989 MAR 31 PM 2:44

HOUSE OF REPRESENTATIVES

FILED MAR 10 1989

BY Guempel

H. B. 2029

A BILL TO BE ENTITLED

AN ACT

relating to the purchase and exchange of real property in Travis  
County by and between the State Purchasing and General Services  
Commission and the Texas Employment Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act  
(Article 601d, Vernon's Texas Civil Statutes), is amended by  
adding new subsection (c) to read as follows:

(c) In lieu of the sale and purchase authorized by subsections (a)  
and (b) of this section, the State Purchasing and General Services  
Commission may, subject to the availability of funds authorized by  
this Act and under an agreement with the Texas Employment  
Commission and with the necessary concurrence that may be required  
by the United States government, purchase an office building and  
parking facilities in Austin, Travis County, Texas for the benefit  
of the Texas Employment Commission. The office building and  
parking facilities purchased shall be transferred to the Texas  
Employment Commission as consideration for the transfer from the  
Texas Employment Commission to the State Purchasing and General  
Services Commission of the Texas Employment Commission's office  
buildings and parking facilities in the Capitol Complex, Austin,  
Travis County, Texas. Subject to the availability of funds  
authorized by this Act, the State Purchasing and General Services  
Commission may renovate the facilities purchased for the Texas

1 Employment Commission as necessary for occupancy by the Texas  
2 Employment Commission. Any available funds remaining after  
3 purchase and renovation of the facilities for the Texas Employment  
4 Commission may be utilized by the State Purchasing and General  
5 Services Commission to renovate, as necessary for occupancy by  
6 other state agencies, the facilities transferred from the Texas  
7 Employment Commission to the State Purchasing and General Services  
8 Commission.

9       SECTION 2. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby  
14 suspended, and that this Act take effect and be in force from and  
15 after its passage, and it is so enacted.

# HOUSE COMMITTEE REPORT

89 MAY 15 PM 10:05  
HOUSE OF REPRESENTATIVES

1st Printing

By Kuempel

H.B. No. 2629

Substitute the following for H.B. No. 2629:

By Guerrero

C.S.H.B. No. 2629

## A BILL TO BE ENTITLED

### AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The ~~[Texas-Employment--Commission--shall sell--to--the]~~ State Purchasing and General Services Commission may take possession of the office buildings and parking facilities ~~[in its--possession]~~ in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession ~~[The--sale--shall be--under-an-agreement-between-the-Texas-Employment-Commission-and]~~ the State Purchasing and General Services Commission must ~~[on--a price--sufficient--to]~~ provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin ~~[outside--the--Capitol--Complex]~~ and obtain ~~[with]~~ the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the

1 documents necessary to show title in the purchasing commission.

2 (b) If the [The] State Purchasing and General Services  
3 Commission takes possession of the [shall,--under-an-agreement--with  
4 the--Texas-Employment-Commission-and-subject-to-the-availability-of  
5 funds-authorized--by--this--Act,--purchase] office buildings and  
6 parking facilities of the Texas Employment Commission located in or  
7 near the Capitol Complex[---If-the-offices-are-acquired], the State  
8 Purchasing and General Services Commission may, from funds made  
9 available by the authority or from other available funds, renovate  
10 the facilities as necessary for occupancy by other state agencies.  
11 Before renovating the facilities or making the facilities available  
12 for occupancy to a state agency, the purchasing commission shall  
13 offer the space to the legislature for its use and occupancy. For  
14 that purpose, the purchasing commission shall notify the lieutenant  
15 governor and the speaker of the house in writing, who may claim the  
16 property for the use and occupancy of the legislature and  
17 legislative agencies by delivering a written notice signed by both  
18 officers to the executive director of the commission. The notice  
19 must be delivered to the executive director before the 120th day  
20 after the date on which those officers receive notice of the  
21 availability of the property.

22 (c) If the lieutenant governor and the speaker deliver a  
23 written notice, signed by each, to the executive director of the  
24 purchasing commission stating that the employment commission  
25 facilities in or near the Capitol Complex are necessary for  
26 legislative use and occupancy, the purchasing commission shall take  
27 possession of the property and the employment commission shall

1 vacate the property in accordance with this subsection. The  
 2 property must be made available for use and occupancy of the  
 3 legislature and legislative agencies not later than the second  
 4 anniversary of the date on which the executive director of the  
 5 commission receives the notice from the lieutenant governor and  
 6 speaker. From funds made available by the authority or from funds  
 7 appropriated for that purpose, the purchasing commission shall  
 8 purchase or construct adequate, alternative office and parking  
 9 space in the city of Austin for the employment commission and shall  
 10 obtain the necessary concurrence that may be required by the United  
 11 States government. [In--negotiating--the--price--for--the---Texas  
 12 Employment--Commission-facilities--the-State-Purchasing-and-General  
 13 Services-Commission-shall-consider-the-cost-to-the-Texas-Employment  
 14 Commission-of-alternative-space--The-State-Purchasing-and--General  
 15 Services-Commission-shall-also-consider-the-price-in-the-context-of  
 16 the--reasonable--rates--that-might-otherwise-be-paid-by-prospective  
 17 occupying-state-agencies-for-rent-in-comparable-space---The--State  
 18 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 19 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
 20 24-of-this-Act.]

21 SECTION 2. Section 4.15, State Purchasing and General  
 22 Services Act (Article 601b, Vernon's Texas Civil Statutes), is  
 23 amended by adding Subsection (1) to read as follows:

24 (1) Notwithstanding Subsections (f) and (j) of this section  
 25 or Article 3 of this Act, the commission shall give a preference,  
 26 when leasing space or otherwise providing for the operation in a  
 27 state-owned building of a vending facility as defined by Chapter

1 94, Human Resources Code, to an existing lessee, licensee, or  
2 contractor who operates a vending facility on the property if:

3 (1) the existing lessee, licensee, or contractor has  
4 operated a vending facility on the property for not less than 10  
5 years;

6 (2) Chapter 94, Human Resources Code, does not apply  
7 to the property;

8 (3) there is a history of quality and reliable service  
9 as evidenced by the opinion of state officers and employees and  
10 other visitors who use the facility; and

11 (4) the bid of the existing lessee, licensee, or  
12 contractor for the right to continue operation of the facility is  
13 consistent with the historical quality of service and the  
14 historical retail pricing structure at the facility.

15 SECTION 3. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended,  
20 and that this Act take effect and be in force from and after its  
21 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-4-89  
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HB 2629 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ( ) no An actuarial analysis was requested. ( ) yes ☒ no

An author's fiscal statement was requested. ( ) yes ☒ no

A criminal justice policy impact statement was prepared. ( ) yes ☒ no

A water development policy impact statement was requested. ( ) yes ☒ no

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ☒ Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

|                | AYE                                 | NAY | PNV                                 | ABSENT                              |
|----------------|-------------------------------------|-----|-------------------------------------|-------------------------------------|
| Laney, Ch.     |                                     |     | <input checked="" type="checkbox"/> |                                     |
| Guerrero, V.C. | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Tallas, C.B.O. | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Cain           |                                     |     |                                     | <input checked="" type="checkbox"/> |
| Gibson         | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Harrison       | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Hilbert        | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Hury           |                                     |     |                                     | <input checked="" type="checkbox"/> |
| Jones          | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Oakley         | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Perez          | <input checked="" type="checkbox"/> |     |                                     |                                     |
| Saunders       |                                     |     |                                     | <input checked="" type="checkbox"/> |
| Smith, T.      | <input checked="" type="checkbox"/> |     |                                     |                                     |
|                |                                     |     |                                     |                                     |
|                |                                     |     |                                     |                                     |

Total  
9 aye  
0 nay  
1 present, not voting  
3 absent

Gib Laney  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR

## **BILL ANALYSIS**

### Background

Texas law requires the specific approval of the legislature for transactions involving real property owned by the state. The State Purchasing and General Services Commission is seeking to trade certain property to the Texas Employment Commission.

### Purpose

To provide for a trade of certain real property in Travis County.

### Section by Section Analysis

SECTION 1. Allows State Purchasing to take possession of the Texas Employment Commission facility in the Capitol Complex, and have title vest in its name. Allows state purchasing to rennovate the facility for use by a state agency, however, the commission shall first offer the facility for use by the Legislature.

SECTION 2. Provides that the commission shall give preference to a vending facility operating on the premises if vendor meets certain specified qualifications.

SECTION 3. EMERGENCY CLAUSE.

### Rulemaking Authority

It is the opinion of the committee that this bill delegates no new rulemaking authority to any state agency, officer, department or institution.

### Summary of Committee Action

On May 1, 1989 the measure was referred to subcommittee.

On May 1, 1989 the subcommittee convened in a formal meeting pursuant to an announcement from the floor of the House and voted to report the measure to the full committee, with a complete substitute and with the recommendation it do pass by a record vote of 3 ayes and no nays.

On May 4, 1989, the committee considered HB2629 in a formal meeting announced from the floor of the House. At that time the committee voted to report HB 2629 to the full House, with a complete substitute and with the recommendation it do pass, and that it be placed on the consent calendar, by a record vote of 9 ayes, no nays, 1 PNV and 3 members absent.

### Comparison of the Original to the Substitute

The original bill provided that State Purchasing would purchase a facility for the use of the Texas Employment Commission in consideration for the transfer to SPAGS of the current TEC building in the Capitol Complex.

The substitute provides that SPAGS shall take possession of the TEC building and rennovate it for the use of the legislature or any other agency in the event that the legislature refuses the facility. Further the substitute provides that acurrent vendors operating in the facility shall continue to operate if they meet the specified criteria.



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 17, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2629  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629 (relating to the purchase and exchange of real property in Travis County by and between the State Purchasing and General Services Commission and the Texas Employment Commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, PA

ADOPTED

MAY 19 1989

*Betty Massey*  
Chief Clerk  
House of Representatives

By Kuempel

H.B. No. 2629

Substitute the following for H.B. No. 2629:

By *Guerra*

C.S.H.B. No. 2629

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The [~~Texas-Employment--Commission--shall~~  
~~sell--to--the~~] State Purchasing and General Services Commission may  
take possession of the office buildings and parking facilities [~~in~~  
~~its--possession~~] in or near the Capitol Complex occupied by the  
Texas Employment Commission. To take possession [~~The--sale--shall~~  
~~be--under-an-agreement-between-the-Texas-Employment-Commission-and~~]  
the State Purchasing and General Services Commission must [~~on--a~~  
~~price--sufficient--to~~] provide the Texas Employment Commission  
adequate, alternative office and parking space in the city of  
Austin [~~outside--the--Capitol--Complex~~] and obtain [~~with~~] the  
necessary concurrence that may be required by the United States  
government. On receiving that concurrence, title to the property  
is in the State Purchasing and General Services Commission, and the  
employment commission and purchasing commission shall execute the

1 documents necessary to show title in the purchasing commission.

2 (b) If the [The] State Purchasing and General Services  
3 Commission takes possession of the [shall,--under-an-agreement--with  
4 the--Texas-Employment-Commission-and-subject-to-the-availability-of  
5 funds-authorized--by--this--Act,--purchase] office buildings and  
6 parking facilities of the Texas Employment Commission located in or  
7 near the Capitol Complex[---If-the-offices-are-acquired], the State  
8 Purchasing and General Services Commission may, from funds made  
9 available by the authority or from other available funds, renovate  
10 the facilities as necessary for occupancy by other state agencies.  
11 Before renovating the facilities or making the facilities available  
12 for occupancy to a state agency, the purchasing commission shall  
13 offer the space to the legislature for its use and occupancy. For  
14 that purpose, the purchasing commission shall notify the lieutenant  
15 governor and the speaker of the house in writing, who may claim the  
16 property for the use and occupancy of the legislature and  
17 legislative agencies by delivering a written notice signed by both  
18 officers to the executive director of the commission. The notice  
19 must be delivered to the executive director before the 120th day  
20 after the date on which those officers receive notice of the  
21 availability of the property.

22 (c) If the lieutenant governor and the speaker deliver a  
23 written notice, signed by each, to the executive director of the  
24 purchasing commission stating that the employment commission  
25 facilities in or near the Capitol Complex are necessary for  
26 legislative use and occupancy, the purchasing commission shall take  
27 possession of the property and the employment commission shall

1 vacate the property in accordance with this subsection. The  
 2 property must be made available for use and occupancy of the  
 3 legislature and legislative agencies not later than the second  
 4 anniversary of the date on which the executive director of the  
 5 commission receives the notice from the lieutenant governor and  
 6 speaker. From funds made available by the authority or from funds  
 7 appropriated for that purpose, the purchasing commission shall  
 8 purchase or construct adequate, alternative office and parking  
 9 space in the city of Austin for the employment commission and shall  
 10 obtain the necessary concurrence that may be required by the United  
 11 States government. [In--negotiating--the--price--for--the---Texas  
 12 Employment--Commission-facilities--the-State-Purchasing-and-General  
 13 Services-Commission-shall-consider-the-cost-to-the-Texas-Employment  
 14 Commission-of-alternative-space--The-State-Purchasing-and--General  
 15 Services-Commission-shall-also-consider-the-price-in-the-context-of  
 16 the--reasonable--rates--that-might-otherwise-be-paid-by-prospective  
 17 occupying-state-agencies-for-rent-in-comparable-space---The--State  
 18 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 19 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
 20 24-of-this-Act.]

21 SECTION 2. Section 4.15, State Purchasing and General  
 22 Services Act (Article 601b, Vernon's Texas Civil Statutes), is  
 23 amended by adding Subsection (1) to read as follows:

24 (1) Notwithstanding Subsections (f) and (j) of this section  
 25 or Article 3 of this Act, the commission shall give a preference,  
 26 when leasing space or otherwise providing for the operation in a  
 27 state-owned building of a vending facility as defined by Chapter

1 94, Human Resources Code, to an existing lessee, licensee, or  
2 contractor who operates a vending facility on the property if:

3 (1) the existing lessee, licensee, or contractor has  
4 operated a vending facility on the property for not less than 10  
5 years;

6 (2) Chapter 94, Human Resources Code, does not apply  
7 to the property;

8 (3) there is a history of quality and reliable service  
9 as evidenced by the opinion of state officers and employees and  
10 other visitors who use the facility; and

11 (4) the bid of the existing lessee, licensee, or  
12 contractor for the right to continue operation of the facility is  
13 consistent with the historical quality of service and the  
14 historical retail pricing structure at the facility.

15 SECTION 3. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended,  
20 and that this Act take effect and be in force from and after its  
21 passage, and it is so enacted.

*(Handwritten signature)*

# HOUSE ENGROSSMENT

89 MAY 19 PM 11:28  
HOUSE OF REPRESENTATIVES

By Kuempel

H.B. No. 2629

## A BILL TO BE ENTITLED

### AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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1 documents necessary to show title in the purchasing commission.

2 (b) If the [The] State Purchasing and General Services  
 3 Commission takes possession of the [~~shall, under an agreement with~~  
 4 ~~the Texas Employment Commission and subject to the availability of~~  
 5 ~~funds authorized by this Act, purchase~~] office buildings and  
 6 parking facilities of the Texas Employment Commission located in or  
 7 near the Capitol Complex[~~---If the offices are acquired~~], the State  
 8 Purchasing and General Services Commission may, from funds made  
 9 available by the authority or from other available funds, renovate  
 10 the facilities as necessary for occupancy by other state agencies.  
 11 Before renovating the facilities or making the facilities available  
 12 for occupancy to a state agency, the purchasing commission shall  
 13 offer the space to the legislature for its use and occupancy. For  
 14 that purpose, the purchasing commission shall notify the lieutenant  
 15 governor and the speaker of the house in writing, who may claim the  
 16 property for the use and occupancy of the legislature and  
 17 legislative agencies by delivering a written notice signed by both  
 18 officers to the executive director of the commission. The notice  
 19 must be delivered to the executive director before the 120th day  
 20 after the date on which those officers receive notice of the  
 21 availability of the property.

22 (c) If the lieutenant governor and the speaker deliver a  
 23 written notice, signed by each, to the executive director of the  
 24 purchasing commission stating that the employment commission  
 25 facilities in or near the Capitol Complex are necessary for  
 26 legislative use and occupancy, the purchasing commission shall take  
 27 possession of the property and the employment commission shall

1 vacate the property in accordance with this subsection. The  
 2 property must be made available for use and occupancy of the  
 3 legislature and legislative agencies not later than the second  
 4 anniversary of the date on which the executive director of the  
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 8 purchase or construct adequate, alternative office and parking  
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 10 obtain the necessary concurrence that may be required by the United  
 11 States government. [In--negotiating--the--price--for--the---Texas  
 12 Employment--Commission-facilities,-the-State-Purchasing-and-General  
 13 Services-Commission-shall-consider-the-cost-to-the-Texas-Employment  
 14 Commission-of-alternative-space--The-State-Purchasing-and--General  
 15 Services-Commission-shall-also-consider-the-price-in-the-context-of  
 16 the--reasonable--rates--that-might-otherwise-be-paid-by-prospective  
 17 occupying-state-agencies-for-rent-in-comparable-space---The--State  
 18 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 19 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
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 26 when leasing space or otherwise providing for the operation in a  
 27 state-owned building of a vending facility as defined by Chapter



1 94, Human Resources Code, to an existing lessee, licensee, or  
2 contractor who operates a vending facility on the property if:

3 (1) the existing lessee, licensee, or contractor has  
4 operated a vending facility on the property for not less than 10  
5 years;

6 (2) Chapter 94, Human Resources Code, does not apply  
7 to the property;

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9 as evidenced by the opinion of state officers and employees and  
10 other visitors who use the facility; and

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12 contractor for the right to continue operation of the facility is  
13 consistent with the historical quality of service and the  
14 historical retail pricing structure at the facility.

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18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended,  
20 and that this Act take effect and be in force from and after its  
21 passage, and it is so enacted.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 17, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2629  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629 (relating to the purchase and exchange of real property in Travis County by and between the State Purchasing and General Services Commission and the Texas Employment Commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, PA

# SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

5  
May ~~24~~ 24, 1989 - 3:28 pm  
(date)/(time)

Sir:

We, your Committee on STATE AFFAIRS to which was referred  
HB 2629 by KUEMPEL have on 5-24, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass with ONE amendments, and be printed

☐ do pass as amended, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure ARMBRISTER

The measure was reported from Committee by the following vote:

|                          | YEA                                 | NAY | PNV | ABSENT                              |
|--------------------------|-------------------------------------|-----|-----|-------------------------------------|
| Montford, Chairman       | <input checked="" type="checkbox"/> |     |     |                                     |
| Henderson, Vice Chairman | <input checked="" type="checkbox"/> |     |     |                                     |
| Armbrister               | <input checked="" type="checkbox"/> |     |     |                                     |
| Caperton                 |                                     |     |     | <input checked="" type="checkbox"/> |
| Edwards                  | <input checked="" type="checkbox"/> |     |     |                                     |
| Glasgow                  | <input checked="" type="checkbox"/> |     |     |                                     |
| Green                    | <input checked="" type="checkbox"/> |     |     |                                     |
| Harris                   | <input checked="" type="checkbox"/> |     |     |                                     |
| Leedom                   | <input checked="" type="checkbox"/> |     |     |                                     |
| Lyon                     | <input checked="" type="checkbox"/> |     |     |                                     |
| McFarland                | <input checked="" type="checkbox"/> |     |     |                                     |
| Parmer                   |                                     |     |     | <input checked="" type="checkbox"/> |
| Washington               |                                     |     |     | <input checked="" type="checkbox"/> |
| TOTAL VOTES              | 10                                  | 0   | 0   | 3                                   |

Meris Wilkes  
COMMITTEE CLERK

Montford  
CHAIRMAN

By: Kuempel (Senate Sponsor - Armbrister) H.B. No. 2629  
(In the Senate - Received from the House May 20, 1989;  
May 22, 1989, read first time and referred to Committee on State  
Affairs; May 25, 1989, reported favorably, as amended, by the  
following vote: Yeas 10, Nays 0; May 25, 1989, sent to printer.)

COMMITTEE VOTE

|            | Yea | Nay | PNV | Absent |
|------------|-----|-----|-----|--------|
| Montford   | x   |     |     |        |
| Henderson  | x   |     |     |        |
| Armbrister | x   |     |     |        |
| Caperton   |     |     |     | x      |
| Edwards    | x   |     |     |        |
| Glasgow    | x   |     |     |        |
| Green      | x   |     |     |        |
| Harris     | x   |     |     |        |
| Leedom     | x   |     |     |        |
| Lyon       | x   |     |     |        |
| McFarland  | x   |     |     |        |
| Parmer     |     |     |     | x      |
| Washington |     |     |     | x      |

COMMITTEE AMENDMENT NO. 1

By: Armbrister

Amend H.B. 2629 by striking the language in Subdivision (b) and (c)  
of Sec. 27 of SECTION 1 and by substituting the following in lieu  
thereof:

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex [---If the offices are acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by [either state agencies], the legislature or its legislative agencies. Before renovating the facilities or making the facilities available for occupancy, the purchasing commission shall offer the space to the legislature and its legislative agencies for their use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and vending facilities, the purchasing commission shall take possession of the property and the employment commission shall vacate this property in accordance with this subsection. The property must be made available for use and occupancy of the legislature and legislative agencies not later than the second anniversary of the date on which the executive director of the commission receives the notice from the lieutenant governor and speaker. From funds made available by the authority or from funds appropriated for that purpose, the purchasing commission with the concurrence of the employment commission shall purchase or construct adequate, alternative office and parking space in the city of Austin for the employment commission and shall obtain the necessary concurrence that may be required by the United States government. [In negotiating the price for the Texas Employment Commission facilities, the State Purchasing and General Services Commission shall consider the cost to the Texas Employment Commission of alternative space. The State Purchasing and General Services Commission shall also consider the price in the context of

the--reasonable--rates--that-might-otherwise-be-paid-by-perspective  
 occupying-state-agencies-for-rent-in-comparable-space.---The--State  
 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
 24-of-this-Act.]

A BILL TO BE ENTITLED  
 AN ACT

relating to the acquisition of the Texas Employment Commission  
 facilities by the State Purchasing and General Services Commission  
 and to the lease of vending facility space in certain state-owned  
 buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act  
 (Article 60ld, Vernon's Texas Civil Statutes), is amended to read  
 as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT  
 COMMISSION PROPERTY. (a) The [Texas-Employment-Commission-shall  
 sell-to-the] State Purchasing and General Services Commission may  
 take possession of the office buildings and parking facilities [in  
 its-possession] in or near the Capitol Complex occupied by the  
 Texas Employment Commission. To take possession [The-sale-shall  
 be-under-an-agreement-between-the-Texas-Employment-Commission--and]  
 the State Purchasing and General Services Commission must [on-a  
 price--sufficient--to] provide the Texas Employment Commission  
 adequate, alternative office and parking space in the city of  
 Austin [outside--the--Capitol--Complex] and obtain [with] the  
 necessary concurrence that may be required by the United States  
 government. On receiving that concurrence, title to the property  
 is in the State Purchasing and General Services Commission, and the  
 employment commission and purchasing commission shall execute the  
 documents necessary to show title in the purchasing commission.

(b) If the [The] State Purchasing and General Services  
 Commission takes possession of the [shall--under-an-agreement-with  
 the-Texas-Employment-Commission-and-subject-to-the-availability--of  
 funds--authorized--by--this--Act;--purchase] office buildings and  
 parking facilities of the Texas Employment Commission located in or  
 near the Capitol Complex[---if-the-offices-are-acquired], the State  
 Purchasing and General Services Commission may, from funds made  
 available by the authority or from other available funds, renovate  
 the facilities as necessary for occupancy by other state agencies.  
 Before renovating the facilities or making the facilities available  
 for occupancy to a state agency, the purchasing commission shall  
 offer the space to the legislature for its use and occupancy. For  
 that purpose, the purchasing commission shall notify the lieutenant  
 governor and the speaker of the house in writing, who may claim the  
 property for the use and occupancy of the legislature and  
 legislative agencies by delivering a written notice signed by both  
 officers to the executive director of the commission. The notice  
 must be delivered to the executive director before the 120th day  
 after the date on which those officers receive notice of the  
 availability of the property.

(c) If the lieutenant governor and the speaker deliver a  
 written notice, signed by each, to the executive director of the  
 purchasing commission stating that the employment commission  
 facilities in or near the Capitol Complex are necessary for  
 legislative use and occupancy, the purchasing commission shall take  
 possession of the property and the employment commission shall  
 vacate the property in accordance with this subsection. The  
 property must be made available for use and occupancy of the  
 legislature and legislative agencies not later than the second  
 anniversary of the date on which the executive director of the  
 commission receives the notice from the lieutenant governor and  
 speaker. From funds made available by the authority or from funds  
 appropriated for that purpose, the purchasing commission shall  
 purchase or construct adequate, alternative office and parking  
 space in the city of Austin for the employment commission and shall  
 obtain the necessary concurrence that may be required by the United

States government. [~~in--negotiating--the--price--for--the--Texas Employment-Commission-facilities--the-State-Purchasing-and--General Services-Commission-shall-consider-the-cost-to-the-Texas-Employment Commission--of-alternative-space--The-State-Purchasing-and-General Services-Commission-shall-also-consider-the-price-in-the-context-of the-reasonable-rates-that-might-otherwise-be--paid--by--prospective occupying--state--agencies-for-rent-in-comparable-space--The-State Purchasing-and-General-Services-Commission-may-not-agree-to-a-price greater-than-one-and-one-half-times-the-estimated-amount-in-Section 24-of-this-Act-~~]

SECTION 2. Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subsection (1) to read as follows:

(1) Notwithstanding Subsections (f) and (j) of this section or Article 3 of this Act, the commission shall give a preference, when leasing space or otherwise providing for the operation in a state-owned building of a vending facility as defined by Chapter 94, Human Resources Code, to an existing lessee, licensee, or contractor who operates a vending facility on the property if:

(1) the existing lessee, licensee, or contractor has operated a vending facility on the property for not less than 10 years;

(2) Chapter 94, Human Resources Code, does not apply to the property;

(3) there is a history of quality and reliable service as evidenced by the opinion of state officers and employees and other visitors who use the facility; and

(4) the bid of the existing lessee, licensee, or contractor for the right to continue operation of the facility is consistent with the historical quality of service and the historical retail pricing structure at the facility.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

\* \* \* \* \*

Austin, Texas

May 25, 1989

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred H.B. No. 2629, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

Montford, Chairman

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 22, 1989

TO: Honorable John T. Montford, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 2629,  
as engrossed  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629, as engrossed (relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Source: LBB Staff: JO, JWH, AL, CKM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 17, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2629  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629 (relating to the purchase and exchange of real property in Travis County by and between the State Purchasing and General Services Commission and the Texas Employment Commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, PA



Committee  
Amendment No. 1

By: 

Amend H. B. 2629 by striking the language in Subdivision (b) and (c) of Sec. 27 of SECTION 1 and by substituting the following in lieu thereof:

**ADOPTED**  
MAY 24 1989

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex [---If the offices are acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by [other state agencies], the legislature or its legislative agencies. Before renovating the facilities or making the facilities available for occupancy, the purchasing commission shall offer the space to the legislature and its legislative agencies for their use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and <sup>vending facilities</sup> occupancy, the purchasing commission shall take possession of the property and the employment commission shall vacate this property in accordance with this subsection. The property must be made available for use and occupancy of the legislature and legislative agencies not later than the second anniversary of the date on which the executive director of the commission receives the notice from the lieutenant governor and speaker.

From funds made available by the authority or from funds appropriated  
for that purpose, the purchasing commission with the concurrence of the  
employment commission shall purchase or construct adequate, alternative  
office and parking space in the city of Austin for the employment  
commission and shall obtain the necessary concurrence that may be  
required by the United States government. [In negotiating the price for  
the Texas Employment Commission facilities, the State Purchasing and  
General Services Commission shall consider the cost to the Texas  
Employment Commission of alternative space.--The State Purchasing and  
General Services Commission shall also consider the price in the context  
of the reasonable rates that might otherwise be paid by prospective  
occupying state agencies for rent in comparable space.--The State  
Purchasing and General Services Commission may not agree to a price  
greater than one and one-half times the estimated amount in Section 24  
of this Act.]

# SENATE AMENDMENTS

2nd Printing

7-2-73 12:13:33

By Kuempel

H.B. No. 2629

## A BILL TO BE ENTITLED

### AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The ~~[Texas-Employment--Commission--shall sell--to--the]~~ State Purchasing and General Services Commission may take possession of the office buildings and parking facilities ~~[in its--possession]~~ in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession ~~[The--sale--shall be--under-an-agreement-between-the-Texas-Employment-Commission-and]~~ the State Purchasing and General Services Commission must ~~[on--a price--sufficient--to]~~ provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin ~~[outside--the--Capitol--Complex]~~ and obtain ~~[with]~~ the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the

documents necessary to show title in the purchasing commission.

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall,--under-an-agreement--with the--Texas-Employment-Commission-and-subject-to-the-availability-of funds-authorized--by--this--Act,--purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex[---if-the-offices-are-acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by other state agencies. Before renovating the facilities or making the facilities available for occupancy to a state agency, the purchasing commission shall offer the space to the legislature for its use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and occupancy, the purchasing commission shall take possession of the property and the employment commission shall

1 vacate the property in accordance with this subsection. The  
 2 property must be made available for use and occupancy of the  
 3 legislature and legislative agencies not later than the second  
 4 anniversary of the date on which the executive director of the  
 5 commission receives the notice from the lieutenant governor and  
 6 speaker. From funds made available by the authority or from funds  
 7 appropriated for that purpose, the purchasing commission shall  
 8 purchase or construct adequate, alternative office and parking  
 9 space in the city of Austin for the employment commission and shall  
 10 obtain the necessary concurrence that may be required by the United  
 11 States government. [In--negotiating--the--price--for--the---Texas  
 12 Employment--Commission-facilities,-the-State-Purchasing-and-General  
 13 Services-Commission-shall-consider-the-cost-to-the-Texas-Employment  
 14 Commission-of-alternative-space-.-The-State-Purchasing-and--General  
 15 Services-Commission-shall-also-consider-the-price-in-the-context-of  
 16 the--reasonable--rates--that-might-otherwise-be-paid-by-prospective  
 17 occupying-state-agencies-for-rent-in-comparable-space-.-.-The--State  
 18 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 19 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
 20 24-of-this-Act- ]

21 SECTION 2. Section 4.15, State Purchasing and General  
 22 Services Act (Article 601b, Vernon's Texas Civil Statutes), is  
 23 amended by adding Subsection (1) to read as follows:

24 (1) Notwithstanding Subsections (f) and (j) of this section  
 25 or Article 3 of this Act, the commission shall give a preference,  
 26 when leasing space or otherwise providing for the operation in a  
 27 state-owned building of a vending facility as defined by Chapter

1 94, Human Resources Code, to an existing lessee, licensee, or  
2 contractor who operates a vending facility on the property if:

3 (1) the existing lessee, licensee, or contractor has  
4 operated a vending facility on the property for not less than 10  
5 years;

6 (2) Chapter 94, Human Resources Code, does not apply  
7 to the property;

8 (3) there is a history of quality and reliable service  
9 as evidenced by the opinion of state officers and employees and  
10 other visitors who use the facility; and

11 (4) the bid of the existing lessee, licensee, or  
12 contractor for the right to continue operation of the facility is  
13 consistent with the historical quality of service and the  
14 historical retail pricing structure at the facility.

15 SECTION 3. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended,  
20 and that this Act take effect and be in force from and after its  
21 passage, and it is so enacted.

Amendment No. 1

By: 

Amend H. B. 2629 by striking the language in Subdivision (b) and (c) of Sec. 27 of SECTION 1 and by substituting the following in lieu thereof:

**ADOPTED**

MAY 2, 1989

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex [---If the offices are acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by [other state agencies], the legislature or its legislative agencies. Before renovating the facilities or making the facilities available for occupancy, the purchasing commission shall offer the space to the legislature and its legislative agencies for their use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and <sup>use and occupancy</sup> ~~occupancy~~, the purchasing commission shall take possession of the property and the employment commission shall vacate this property in accordance with this subsection. The property must be made available for use and occupancy of the legislature and legislative agencies not later than the second anniversary of the date on which the executive director of the commission receives the notice from the lieutenant governor and speaker.

5

From funds made available by the authority or from funds appropriated  
for that purpose, the purchasing commission with the concurrence of the  
employment commission shall purchase or construct adequate, alternative  
office and parking space in the city of Austin for the employment  
commission and shall obtain the necessary concurrence that may be  
required by the United States government. [In-negotiating-the-price-for  
the-Texas-Employment-Commission-facilities,-the-State-Purchasing-and  
General-Services-Commission-shall-consider-the-cost-to-the-Texas  
Employment-Commission-of-alternative-space---The-State-Purchasing-and  
General-Services-Commission-shall-also-consider-the-price-in-the-context  
of-the-reasonable-rates-that-might-otherwise-be-paid-by-prespective  
occupying-state-agencies-for-rent-in-comparable-space---The-State  
Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
greater-than-one-and-one-half-times-the-estimated-amount-in-Section-24  
of-this-Act-]

6



AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

MAY 27 1989

*Larry King*  
Secretary of the Senate

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 22, 1989

TO: Honorable John T. Montford, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 2629,  
as engrossed  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629, as engrossed (relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Source: LBB Staff: JO, JWH, AL, CKM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 17, 1989

TO: Honorable James E. "Pete" Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2629  
By: Kuempel

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2629 (relating to the purchase and exchange of real property in Travis County by and between the State Purchasing and General Services Commission and the Texas Employment Commission) this office has determined the following:

The fiscal implication to the State or units of local government cannot be determined.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, PA

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-29-89

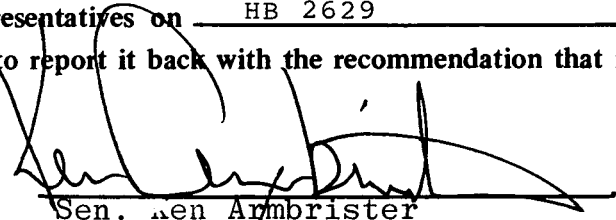
Date


Honorable William P. Hobby  
President of the Senate

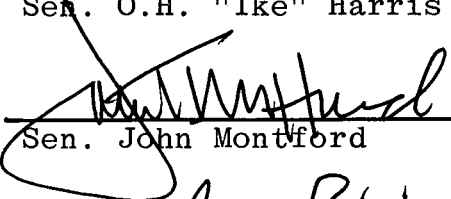
Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:


We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2629 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


  
Sen. Ken Armbrister

  
Sen. O.H. "Ike" Harris

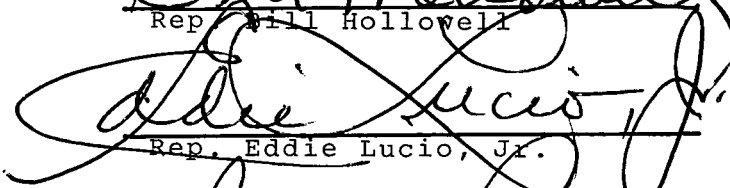
  
Sen. John Montford

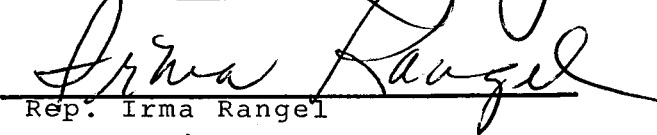
  
Sen. Teel Bivins


  
Sen. Bill Haley  
On the part of the Senate

  
Rep. Edmund Kuempel - Chair

  
Rep. Bill Hollowell

  
Rep. Eddie Lucio, Jr.

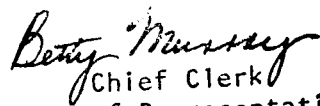
  
Rep. Irma Rangel

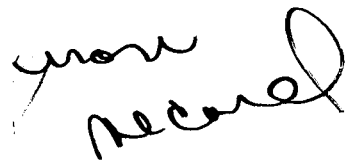
  
Rep. Doyle Willis  
On the part of the House

Paper clip one of these forms to each of the following:  
the original and two copies to the house of origin  
three copies to the other house

**ADOPTED**

MAY 29 1989

  
Chief Clerk  
House of Representatives



CONFERENCE COMMITTEE REPORT

H.B. No. 2629

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The [~~Texas-Employment--Commission--shall sell--to--the~~] State Purchasing and General Services Commission may take possession of the office buildings and parking facilities [~~in its--possession~~] in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession [~~The--sale--shall be--under-an-agreement-between-the-Texas-Employment-Commission-and~~] the State Purchasing and General Services Commission must [~~on--a price--sufficient--to~~] provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin [~~outside--the--Capitol--Complex~~] and obtain [with] the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the

documents necessary to show title in the purchasing commission.

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall,--under-an-agreement--with the--Texas-Employment-Commission-and-subject-to-the-availability-of funds-authorized--by--this--Act,--purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex[---If-the-offices-are-acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by other state agencies or by the legislature or legislative agencies.

Before renovating the facilities or making the facilities available for occupancy to a state agency, the purchasing commission shall offer the space to the legislature for its use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If at any time the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and occupancy, the property shall be made available

for that use and occupancy as soon as possible but not later than the second anniversary of the date on which the executive director of the purchasing commission receives the notice from the lieutenant governor and the speaker. If the employment commission is at that time in possession of the property:

(1) the purchasing commission shall take possession of the property and the employment commission shall vacate the property;

(2) from funds made available by the authority or from funds appropriated for that purpose, the purchasing commission shall purchase or construct adequate, alternative office and parking space in the city of Austin for the employment commission and shall obtain the necessary concurrence that may be required by the United States government; and

(3) on receiving that concurrence, title to the property is in the purchasing commission and the purchasing commission and employment commission shall execute the documents necessary to show title in the purchasing commission.

(d) Subject to the availability of funds, the purchasing commission may renovate facilities purchased for the employment commission as necessary for occupancy by the employment commission. Any available funds remaining after purchase and renovation of the facilities for the employment commission may be used by the purchasing commission to renovate the facilities of the employment commission transferred under this section as necessary for occupancy by state agencies or the legislature and legislative agencies.

[In--negotiating--the--price--for--the---Texas Employment--Commission-facilities,--the-State-Purchasing-and-General Services-Commission-shall-consider-the-cost-to-the-Texas-Employment Commission-of-alternative-space.--The-State-Purchasing-and--General Services-Commission-shall-also-consider-the-price-in-the-context-of the--reasonable--rates--that-might-otherwise-be-paid-by-prospective occupying-state-agencies-for-rent-in-comparable-space.---The--State Purchasing-and-General-Services-Commission-may-not-agree-to-a-price greater-than-one-and-one-half-times-the-estimated-amount-in-Section 24-of-this-Act.]

SECTION 2. Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subsection (1) to read as follows:

(1) Notwithstanding Subsections (b), (f), and (j) of this section or Article 3 of this Act, the commission shall give a preference, when leasing space for the operation in a state-owned building of a vending facility as defined by Chapter

94, Human Resources Code, to an existing lessee, licensee, or contractor who operates a vending facility on the property if:

(1) the existing lessee, licensee, or contractor has operated a vending facility on the property for not less than 10 years;

(2) Chapter 94, Human Resources Code, does not apply to the property;

(3) the commission finds there is a history of quality and reliable service; and

(4) the proposal of the existing lessee, licensee, or contractor for the right to continue operation of the facility is consistent with the historical quality of service and the historical retail pricing structure at the facility.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.



# Comparison of Versions - HB2629

## HOUSE

## SENATE

## CONFERENCE

### Section 1

Provides for purchasing commission to take possession of TEC building for use by other state agencies. Gives legislature first option to occupy

Limits occupancy to legislature

Allows occupancy by state agency or legislature. Provides details of acquisition and renovation

### Section 2

Requires commission to give preference in providing vending services to existing vendors

Same

Applies only when leasing vending space. Omits consideration of opinions of visitors in making decision

### Section 3

Emergency Clause

Same

Same

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-29-89

Date

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2629 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Sen. R. Armbrister

Sen. O.M. "Mike" Harris

Sen. John Montford

Sen. Teel Livins

Sen. Bill Haley  
On the part of the Senate

Rep. Edmund Kuempel - Chair  
R

Rep. Bill Hollowell

Rep. Eddie Lucio, Jr.

Rep. Irma Rangel

Rep. Doyle Willis  
On the part of the House

Paper clip one of these forms to each of the following:  
the original and two copies to the house of origin  
three copies to the other house

ADOPTED

31 years on map  
MAY 29 1989

*[Signature]*  
Secretary of the House

MAY 29 1989 Read & filed

CONFERENCE COMMITTEE REPORT

H.B. No. 2629

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The ~~[Texas-Employment--Commission--shall sell--to--the]~~ State Purchasing and General Services Commission may take possession of the office buildings and parking facilities ~~[in its--possession]~~ in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession ~~[The--sale--shall be--under-an-agreement-between-the-Texas-Employment-Commission-and]~~ the State Purchasing and General Services Commission must ~~[on--a price--sufficient--to]~~ provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin ~~[outside--the--Capitol--Complex]~~ and obtain ~~[with]~~ the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the

documents necessary to show title in the purchasing commission.

(b) If the [The] State Purchasing and General Services Commission takes possession of the [shall,--under-an-agreement--with the--Texas-Employment-Commission-and-subject-to-the-availability-of funds-authorized--by--this--Act,--purchase] office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex[---if-the-offices-are-acquired], the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by other state agencies or by the legislature or legislative agencies.

Before renovating the facilities or making the facilities available for occupancy to a state agency, the purchasing commission shall offer the space to the legislature for its use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.

(c) If at any time the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and occupancy, the property shall be made available

for that use and occupancy as soon as possible but not later than the second anniversary of the date on which the executive director of the purchasing commission receives the notice from the lieutenant governor and the speaker. If the employment commission is at that time in possession of the property:

(1) the purchasing commission shall take possession of the property and the employment commission shall vacate the property;

(2) from funds made available by the authority or from funds appropriated for that purpose, the purchasing commission shall purchase or construct adequate, alternative office and parking space in the city of Austin for the employment commission and shall obtain the necessary concurrence that may be required by the United States government; and

(3) on receiving that concurrence, title to the property is in the purchasing commission and the purchasing commission and employment commission shall execute the documents necessary to show title in the purchasing commission.

(d) Subject to the availability of funds, the purchasing commission may renovate facilities purchased for the employment commission as necessary for occupancy by the employment commission. Any available funds remaining after purchase and renovation of the facilities for the employment commission may be used by the purchasing commission to renovate the facilities of the employment commission transferred under this section as necessary for occupancy by state agencies or the legislature and legislative agencies.

[In--negotiating--the--price--for--the---Texas Employment--Commission-facilities,-the-State-Purchasing-and-General Services-Commission-shall-consider-the-cost-to-the-Texas-Employment Commission-of-alternative-space.--The-State-Purchasing-and--General Services-Commission-shall-also-consider-the-price-in-the-context-of the--reasonable--rates--that-might-otherwise-be-paid-by-prospective occupying-state-agencies-for-rent-in-comparable-space.---The--State Purchasing-and-General-Services-Commission-may-not-agree-to-a-price greater-than-one-and-one-half-times-the-estimated-amount-in-Section 24-of-this-Act.]

SECTION 2. Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subsection (1) to read as follows:

(1) Notwithstanding Subsections (b), (f), and (j) of this section or Article 3 of this Act, the commission shall give a preference, when leasing space \_\_\_\_\_ for the operation in a state-owned building of a vending facility as defined by Chapter

94, Human Resources Code, to an existing lessee, licensee, or contractor who operates a vending facility on the property if:

(1) the existing lessee, licensee, or contractor has operated a vending facility on the property for not less than 10 years;

(2) Chapter 94, Human Resources Code, does not apply to the property;

(3) the commission finds there is a history of quality and reliable service; and".

(4) the proposal of the existing lessee, licensee, or contractor for the right to continue operation of the facility is consistent with the historical quality of service and the historical retail pricing structure at the facility.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

# Comparison of Versions - HB2629

## HOUSE

## SENATE

## CONFERENCE

### Section 1

Provides for purchasing commission to take possession of TEC building for use by other state agencies. Gives legislature first option to occupy

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### Section 2

Requires commission to give preference in providing vending services to existing vendors

Same

Applies only when leasing vending space. Omits consideration of opinions of visitors in making decision

### Section 3

Emergency Clause

Same

Same

# ENROLLED

H.B. No. 2629

## AN ACT

relating to the acquisition of the Texas Employment Commission facilities by the State Purchasing and General Services Commission and to the lease of vending facility space in certain state-owned buildings under the jurisdiction of the purchasing commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27, Texas Public Finance Authority Act (Article 60ld, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The ~~[Texas-Employment--Commission--shall sell--to--the]~~ State Purchasing and General Services Commission may take possession of the office buildings and parking facilities ~~[in its--possession]~~ in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession ~~[The--sale--shall be--under-an-agreement-between-the-Texas-Employment-Commission-and]~~ the State Purchasing and General Services Commission must ~~[on--a price--sufficient--to]~~ provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin ~~[outside--the--Capitol--Complex]~~ and obtain ~~[with]~~ the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the



1 documents necessary to show title in the purchasing commission.

2 (b) If the [The] State Purchasing and General Services  
 3 Commission takes possession of the [~~shall; under an agreement with~~  
 4 ~~the Texas Employment Commission and subject to the availability of~~  
 5 ~~funds authorized by this Act; purchase~~] office buildings and  
 6 parking facilities of the Texas Employment Commission located in or  
 7 near the Capitol Complex[~~; if the offices are acquired~~], the State  
 8 Purchasing and General Services Commission may, from funds made  
 9 available by the authority or from other available funds, renovate  
 10 the facilities as necessary for occupancy by other state agencies  
 11 or by the legislature or legislative agencies. Before renovating  
 12 the facilities or making the facilities available for occupancy to  
 13 a state agency, the purchasing commission shall offer the space to  
 14 the legislature for its use and occupancy. For that purpose, the  
 15 purchasing commission shall notify the lieutenant governor and the  
 16 speaker of the house in writing, who may claim the property for the  
 17 use and occupancy of the legislature and legislative agencies by  
 18 delivering a written notice signed by both officers to the  
 19 executive director of the commission. The notice must be delivered  
 20 to the executive director before the 120th day after the date on  
 21 which those officers receive notice of the availability of the  
 22 property.

23 (c) If at any time the lieutenant governor and the speaker  
 24 deliver a written notice, signed by each, to the executive director  
 25 of the purchasing commission stating that the employment commission  
 26 facilities in or near the Capitol Complex are necessary for  
 27 legislative use and occupancy, the property shall be made available

1 for that use and occupancy as soon as possible but not later than  
2 the second anniversary of the date on which the executive director  
3 of the purchasing commission receives the notice from the  
4 lieutenant governor and the speaker. If the employment commission  
5 is at that time in possession of the property:

6 (1) the purchasing commission shall take possession of  
7 the property and the employment commission shall vacate the  
8 property;

9 (2) from funds made available by the authority or from  
10 funds appropriated for that purpose, the purchasing commission  
11 shall purchase or construct adequate, alternative office and  
12 parking space in the city of Austin for the employment commission  
13 and shall obtain the necessary concurrence that may be required by  
14 the United States government; and

15 (3) on receiving that concurrence, title to the  
16 property is in the purchasing commission and the purchasing  
17 commission and employment commission shall execute the documents  
18 necessary to show title in the purchasing commission.

19 (d) Subject to the availability of funds, the purchasing  
20 commission may renovate facilities purchased for the employment  
21 commission as necessary for occupancy by the employment commission.  
22 Any available funds remaining after purchase and renovation of the  
23 facilities for the employment commission may be used by the  
24 purchasing commission to renovate the facilities of the employment  
25 commission transferred under this section as necessary for  
26 occupancy by state agencies or the legislature and legislative  
27 agencies. [In-negotiating--the--price--for--the--Texas--Employment

Commission--facilities,--the--State-Purchasing-and-General-Services  
 Commission--shall--consider--the--cost--to--the--Texas---Employment  
 Commission--of-alternative-space.--The-State-Purchasing-and-General  
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 occupying--state--agencies-for-rent-in-comparable-space.--The-State  
 Purchasing-and-General-Services-Commission-may-not-agree-to-a-price  
 greater-than-one-and-one-half-times-the-estimated-amount-in-Section  
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 Resources Code, to an existing lessee, licensee, or contractor who  
 operates a vending facility on the property if:

(1) the existing lessee, licensee, or contractor has  
 operated a vending facility on the property for not less than 10  
 years;

(2) Chapter 94, Human Resources Code, does not apply  
 to the property;

(3) the commission finds there is a history of quality  
 and reliable service; and

(4) the proposal of the existing lessee, licensee, or  
 contractor for the right to continue operation of the facility is

1 consistent with the historical quality of service and the  
2 historical retail pricing structure at the facility.

3       SECTION 3. The importance of this legislation and the  
4 crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several  
7 days in each house be suspended, and this rule is hereby suspended,  
8 and that this Act take effect and be in force from and after its  
9 passage, and it is so enacted.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2629 was passed by the House on May 19, 1989, by the following vote: Yeas 138, Nays 0; that the House refused to concur in Senate amendments to H.B. No. 2629 on May 29, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2629 on May 29, 1989, by a non-record vote.

---

Chief Clerk of the House

H.B. No. 2629

I certify that H.B. No. 2629 was passed by the Senate, with amendments, on May 27, 1989, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2629 on May 29, 1989, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2629 was passed by the House on  
(1)

May 19 ✓, 1989, by the following vote:  
(2)

Yeas 138 ✓, Nays 0 ✓  
(3) (4)

that the House refused to concur in Senate amendments to H.B. No. 2629  
on May 29 ✓, 1989, and requested the  
(5)

appointment of a conference committee to consider the differences

between the two houses; and that the House adopted the conference

committee report on H.B. No. 2629 on May 29 ✓, 1989, by a  
(6)

non-record  
the following vote: Yeas \_\_\_\_\_, Nays \_\_\_\_\_  
(7) (8) 6

Chief Clerk of the House

\*\*\*\* Preparation: 'A;CT42;

I certify that H.B. No. 2629 was passed by the Senate, with  
(1)

amendments, on May 27 ✓, 1989, by the following

vote: Yeas 31 ✓, Nays 0 ✓  
(3) (4)

at the request of the House, the Senate appointed a conference

committee to consider the differences between the two houses;

and that the Senate adopted the conference committee report on

H.B. No. 2629 on May 29 ✓, 1989, by the following vote:  
(5)

Yeas 31 ✓, Nays 0 ✓  
(6) (7)

Secretary of the Senate

APPROVED:

Date

Governor

\*\*\*\* Preparation: 'A;CT43

H. B. No.

2629

By

Kuenpel

## A BILL TO BE ENTITLED

## AN ACT

relating to the purchasing and exchange of real property in Travis County by and between the State Purchasing and General Services Commission and the Texas Employment Commission.

MAR 10 1989

1. Filed with the Chief Clerk.

MAR 29 1989

2. Read first time and Referred to Committee on

State Affairs

MAY 4 1989

3. Reported \_\_\_\_\_ favorably
- (as amended)
- (as substituted)
- and sent to Printer at
- 3:15 pm
- 
- MAY 15 1989

MAY 15 1989

4. Printed and distributed at
- 10:05 pm

MAY 16 1989

5. Sent to Committee on Calendars at
- L&C 3:46 pm

MAY 19 1989

6. Read second time
- (amended)
- ; passed to third reading
- (failed)
- by
- (Non-Record Vote)
- 
- (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

MAY 19 1989

9. Read third time
- (amended)
- ; finally passed
- (failed)
- by
- (Non-Record Vote)
- (Record Vote of
- 138
- yeas,
- 0
- nays,
- 0
- present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 19 1989

12. Ordered Engrossed at
- 3:00 pm

MAY 19 1989

13. Engrossed.

MAY 19 1989

14. Returned to Chief Clerk at
- 11:28 pm

MAY 20 1989

15. Sent to Senate.

Betty Murray  
Chief Clerk of the House

MAY 20 1989

16. Received from the House

MAY 22 1989

17. Read, referred to Committee on
- STATE AFFAIRS

MAY 25 1989

18. Reported favorably
- as amended

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

MAY 27 1989

21. Regular order of business suspended by
- u.c.
- 
- (a viva voce vote.)
- 
- \_\_\_\_\_ yeas, \_\_\_\_\_ nays.



22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 27 1989

23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 27 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

MAY 27 1989

26. Read third time and passed by  
(a viva voce vote.)  
( 31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

5-27-89

MAY 27 1989

27. Returned to the House.

MAY 29 1989

28. Received from the Senate (with amendments.)  
(~~as substituted~~)

29. House (~~Concurred~~) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(~~Substitute~~)  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting)

MAY 29 1989

30. Conference Committee Ordered.

MAY 29 1989

31. Conference Committee Report Adopted (~~Rejected~~) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 29 1989

32. Ordered Enrolled at 10:43 pm

89 MAY 27 PM 6:00

HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES

89 MAY 19 PM 11:28

HOUSE OF REPRESENTATIVES

89 MAY 15 PM 10:05

62 29